

IAP13 Rec'd PCT/PTO 23 OCT 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Francisco Jose Rico Novella et al

Confirmation: 3474

Appln. No.: 10/501,211

Filed:

For: METHOD OF SENDING AND VALIDATING DOCUMENTS

Attorney Docket No.: 600.004

Customer number: 000058152

RESPONSE TO COMMUNICATION

**Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

The present is responsive to the Communication dated June 21, 2006, (a copy of which is attached hereto), setting a two (2) month period for response, the period for response extended to October 21, 2006, by a Petition for a Two Months' (2 Months) Extension filed herewith.

Applicants submit herewith:

1. A processing fees of \$870.00 as required by the Communication;
2. Six Revocation and Power of Attorney with New Attorney and Change of Correspondence Address

documents each one duly executed by the
corresponding inventor;

3. A Preliminary Amendment;

4. A petition for 2 Months extension of time under
37 CFR §1.136 and payment of fee under 37 CFR
§1.17

All correspondence should now be directed to:

Evelyn A. Defillo
Defillo & Associates, Inc.
4922 Eagle Cove South drive
Palm Harbor, FL 34685
(727) 772-5916


The Examiner is respectfully requested to acknowledge receipt of the above documents. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

DEFILLO & ASSOCIATES
4922 Eagle Cove South Drive
Palm Harbor, FL 34685

727 772-5916 telephone

Date: **October 20, 2006**



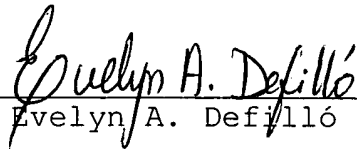
Evelyn A. Defillo
Registration No. 45,630

U.S. Application No. 10/501,211
RESPONSE TO COMMUNICATION

Docket No.: 600.004

CERTIFICATE OF MAILING

I hereby certify that the foregoing RESPONSE TO COMMUNICATION for U.S. Application No. 10/501,211, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop PCT Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on **October 20, 2006.**



Evelyn A. DeFilló



21 JUN 2006

600,004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Madrid 28224 ES SPAIN

RECIBIDO 07 JUL 2006

In re Application of: Rico Novella et al.
Application No.: 10/501211
PCT Application No.: PCT/ES03/00008
Int. Filing Date: 01 October 2003
Priority Date Claimed: 15 January 2002
Attorney Docket No.:
For: METHOD OF SENDING AND VALIDATING
DOCUMENTS

NOTIFICATION
OF FEE DUE

This notice is in response to an inquiry into the status of the above-identified application.

BACKGROUND

On 28 February 2005, a Notification of Missing Requirements (PCT/DO/EO/905) was mailed to the applicant, requiring the submission of a translation of the application into the English language, along with the payment of a surcharge of \$130 for the English translation, and setting a time period of two (2) months from the date of the notice or 32 months from the priority date, whichever is later, within which to submit the missing requirements.

On 21 April 2005, applicant filed an English translation along with an authorization to charge the corresponding fee. On 14 July 2005 a second English translation was received, and on 22 November 2005 a \$130 fee was charged to the applicant. The \$130 fee, however, was recorded as payment for a late oath or declaration for a Large Entity (fee code 1617), rather than payment for a late translation (fee code 1618), whereas a declaration had been submitted on 13 July 2004 along with the original papers requesting entry into the national stage in the United States. Moreover, \$65 of the fee was refunded to the applicant to reflect the fee for a late oath or declaration for a Small Entity (fee code 2617).

On 12 January 2006, a Notification of Defective Response (PCT/DO/EO/916) was mailed to the applicant, requiring the payment of additional claim fees of \$780 as a Small Entity, including a multiple dependent claim fee, along with the \$130-fee for a late translation. The Notification required the applicant to complete the response within a time limit of one month

from the date of the notice or within the time remaining in the period for response to the Notification of Missing Requirements, whichever is longer. The Notification of Defective Response indicated that no extension of the time limit would be permitted under 37 CFR 1.136, but extension of the period for response set in the Notification of Missing Requirements would be permitted under 37 CFR 1.136(a). The maximum extendable period under 37 CFR 1.136 for response to the Notification of Missing Requirements had expired as of the mailing date of the Notification of Defective Response. Consequently, the Notification of Defective Response effectively set a non-extendable period of one month to respond to the notice.

No response to the Notification of Defective Response mailed 12 January 2006 has been received.

DISCUSSION

The evidence of record is that a translation of the application into the English language was filed on 21 April 2005 and again on 14 July 2005. An authorization to charge the requisite fee of \$130 for a late translation was received on 21 April 2005, and a fee of \$130 was charged to applicant on 22 November 2005, albeit for a late oath or declaration instead of for a late translation. The fact that the fee of \$130 was given the wrong fee code by the DO/EO should not be held against the applicant, nor should the fact that \$65 of the fee was mistakenly refunded by the DO/EO. The Notification of Missing Requirements did not set forth the requirement for the payment of additional claim fees of \$780 as a Small Entity, including a multiple dependent claim fee. Hence, the evidence of record is that prior to the mailing of the Notification of Defective Response on 12 January 2006, the applicant had filed a complete response to the Notification of Missing Requirements mailed on 28 February 2005. Consequently, the notification on 12 January 2006 indicating that the requirements set forth in the Notification of Missing Requirements had not been completed was in error. Moreover, the notification on 12 January 2006 set forth a new requirement, namely the payment of additional claim fees of \$780, without giving the applicant adequate opportunity in which to respond. Accordingly, the Notification of Defective Response (PCT/DO/EO/916) mailed 12 January 2006 is hereby VACATED.

Applicant needs to furnish an additional claim fee of \$805. (The Notification of Defective Response overlooked one additional claim.) In addition, the applicant needs to resubmit the \$65 of the processing fee for a late translation that was mistakenly returned to the applicant. Hence, the total fee required for this application is \$870 for a Small Entity. The applicant is hereby required to submit the \$870 fee within TWO (2) MONTHS from the date of this notice. This period for response may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

CONCLUSION

The Notification of Defective Response (PCT/DO/EO/916) mailed 12 January 2006 is VACATED.

10/26/2006 ATRAN1 00000133 10501211

02 FC:1618	130.00 OP
03 FC:1206	740.00 OP

The applicant is required to submit the \$870 fee within TWO (2) MONTHS from the date of this notice. This period for response may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).


The application has an International Filing Date under 35 U.S.C. 363 of 01 October 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 21 April 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) to await a response. Failure to properly respond will result in abandonment.

A copy of this notice MUST be returned with the response.



John Chapman
PCT Legal Administration Detailee
Telephone: 571-272-6095
Facsimile: 571-273-0459



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration